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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/939,924      | 08/27/2001  | Michael Emmett Doherty |                     | 4064             |

7590                    11/09/2004  
Michael Emmett Doherty  
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| EXAMINER        |
|-----------------|
| NGUYEN, QUANG N |

  

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|          | 2141         |

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | Application No. | Applicant(s)            |
|------------------------------|-----------------|-------------------------|
|                              | 09/939,924      | DOHERTY, MICHAEL EMMETT |
| Examiner                     | Art Unit        |                         |
| Quang N. Nguyen              | 2141            |                         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 August 2001.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 27 August 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

***Detail Action***

1. This Office Action is in response to the application filed on 08/27/2001. Claims 1-5 are presented for examination.

***Claim Objections***

2. Claim 1 is objected to because of the following informalities:

“(d) ... a response.” should be “(d) ... a response;” and  
“(e) ... use it later;” should be “(e) ... use it later.”

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**4. Claim 1 and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Sathyanarayan (US 6,691,106).**

5. As to claim 1, Sathyanarayan teaches a method of assisting a person navigating locations on a hyperlinked network, the method comprising:

constructing a computer program with means for determining the address on said hyperlinked network of a location addressed by a browser (*the profile agent 200 may use the relevance engine 110 to parse the cookie and bookmarked web sites stored on the user's PC for keywords and collects the details about the web pages including URL address, location name, etc.*) (Sathyanarayan, C5: L6-11);

obtaining data about said person (*the profile agent 200 collects user data 210 – 220 from various applications and sources*) (Sathyanarayan, C3:L33 - C4:L10);

constructing an Agent Link comprised of an Agent Website address on said hyperlinked network, said data, and said computer program; presenting said person

said Agent Link and instructions to save it and use it later; (*constructing an "Instant Portal" trigger/link on the software interface to allow the user to return to the instant Web portal page*) (Sathyanarayan, C8: L49-53);

construction of an Agent Website at said Agent Website address (*the user can any time return to the instant Web portal page through a single click at said "Instant Portal" trigger/link*, C8: L49-53), with means for extracting the information carried in the link referencing it (*the profile agent 200 may capture user clicks while browsing web pages, and extract the text of the hyperlink*, C5: L45-62), analyzing said information, and presenting said person a response (*the relevant results maybe transmitted to the user*) (Sathyanarayan, C4: L24-31 and C6: L41-55).

6. As to claims 3-4, Sathyanarayan teaches the method of claim 1, wherein said response is a message and a plurality of links to the network locations (*all relevant links are available on a single page*) (Sathyanarayan, C8: L60-67).

7. As to claim 5, Sathyanarayan teaches the method of claim 1, wherein said response is an inquiry of said user (*when the user click on the "Instant Portal" trigger/link to return to the Instant Web Portal page*) and a means to record and save inputs from said user (*the profile agent may capture user clicks while browsing web pages, extract the text of the hyperlink and may capture text that is typed into a search box on web sites*) (Sathyanarayan, C5: L45-62 and C8: L49-53).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sathyanarayan, in view of Slemmer (US 6,226,677).**

10. As to claim 2, Sathyanarayan teaches the method of claim 1, but does not explicitly teach said response is automatic redirection of said person to another network location.

In a related art, Slemmer teaches a method for controlling communication of a TCP packet from a user machine, wherein a forced proxy server (*i.e.*, a *Web portal server*) responds to the user request attempting to connect to “www.stock-quote.com” with a HTTP redirect command to redirect the user to connect to another network location “www.community.com” instead (Slemmer, C7:L55 – C8: L9).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Sathyanarayan and

Slemmer to have a response is automatic redirection of said person to another network location since such methods were conventionally employed in the art to return customized responses, web pages, advertisements based on particularly identified information about the user profile (including user or user machine information), wherein the incentives/benefits derived from advertisers' payments might help to defray/pay for the costs of providing Internet access to the user (Smeller, C2: L11-16 and C6: L43-49).

11. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

12. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LE HIENTHUU  
PRIMARY EXAMINER